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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MILAGROS FRANCO,	: Civil Action No. 1:22-cv-04011-AS-JW
	:
Plaintiff,	:
	:
v.	: DEFENDANT 380 SECOND LLC'S
	: NOTICE OF MOTION IN LIMINE NO.
	: 1, MOTION IN LIMINE NO. 2, MOTION
380 SECOND LLC AND SMALL DOOR	: IN LIMINE NO. 3, AND MOTION IN
GRAMERCY LLC,	: LIMINE NO. 4
	:
Defendants.	: <u>ORAL ARGUMENT REQUESTED</u>
	:
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PLEASE TAKE NOTICE that on a date and time to be designated by the Court, before the Honorable Arun Subramanian, United States District Judge for the Southern District of New York, 40 Foley Square, New York, New York 10007, Defendant 380 Second LLC ("380 Second"), upon the accompanying Memorandum of Law in Support of Defendants' Motion, the Declaration of Sean J. Kirby (the "Kirby Declaration") and exhibits attached thereto, and upon all prior proceedings herein, the undersigned hereby moves the Court for an order pursuant to Federal Rule of Evidence 403, as more fully set forth in the Memorandum of Law, to preclude the introduction of any and all evidence of alleged architectural barriers not identified in Plaintiff's Milagros Franco's ("Plaintiff") operative complaint (Dkt. No. 1) (the "Complaint") or in the expert report of Jonathan White, dated May 8, 2023 (the "White Report");

PLEASE TAKE NOTICE that on a date and time to be designated by the Court, before the Honorable Arun Subramanian, United States District Judge for the Southern District of New York, 40 Foley Square, New York, New York 10007, 380 Second, upon the accompanying Memorandum of Law in Support of Defendants' Motion, the Kirby Declaration and exhibits attached thereto, and upon all prior proceedings herein, the undersigned hereby moves the Court for an order pursuant to Federal Rule of Evidence 403, as more fully set forth in the Memorandum of Law, to preclude Plaintiff from introducing any and all evidence of alleged architectural barriers unrelated to Plaintiff's disability.

PLEASE TAKE NOTICE that on a date and time to be designated by the Court, before the Honorable Arun Subramanian, United States District Judge for the Southern District of New York, 40 Foley Square, New York, New York 10007, 380 Second, upon the accompanying Memorandum of Law in Support of Defendants' Motion, the Kirby Declaration and exhibits attached thereto, and upon all prior proceedings herein, the undersigned hereby moves the Court for an order pursuant to Federal Rules of Evidence 403 and 407, as more fully set forth in the Memorandum of Law, to preclude Plaintiff from utilizing evidence of subsequent remedial measures to prove that Defendants engaged in culpable conduct or negligence.

PLEASE TAKE NOTICE that on a date and time to be designated by the Court, before the Honorable Arun Subramanian, United States District Judge for the Southern District of New York, 40 Foley Square, New York, New York 10007, 380 Second, upon the accompanying Memorandum of Law in Support of Defendants' Motion, the Kirby Declaration and exhibits attached thereto, and upon all prior proceedings herein, the undersigned hereby moves the Court for an order pursuant to the Federal Rules of Evidence, as more fully set forth in the

Memorandum of Law, to preclude Plaintiff's expert witness, Jonathan White, from asserting legal opinions or interpretations of statutes or regulations.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated July 11, 2024 (Dkt. No. 144), opposition papers to this Motion shall be served by August 2, 2024.

Dated: New York, New York
July 22, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Sean J. Kirby

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